

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-20448

D-1 DUANE PETERSON,

Defendant.

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**ORDER FOR DEFENDANT DUANE PETERSON TO SHOW CAUSE**

As stipulated by the parties, the motion cut-off date for this matter is June 17, 2022. (ECF No. 219.) There is no indication that Defendant could not comply with this deadline. In fact, on June 17, 2022, Defendant filed a motion to suppress the evidence and all fruit from the content search of his cell phones found in the hotel room where he was staying (ECF No. 232.)<sup>1</sup>

More than three months after motion cut-off date, and with less than seven weeks away from the stipulated trial date, on September 23, 2022, Defendant filed a new motion to suppress evidence found from the search of two different cell phones seized from Defendant in July 2017. (ECF No. 296.) There is no explanation for the lateness. On September 26, 2022, the government moved to strike Defendant's motion for (1) his failure to seek concurrence before filing as required by Local Rule 7.1, and

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<sup>1</sup> Then, on July 4, 2022, Defendant filed a "Supplement" to his motion to suppress, which was substantively a separate motion to suppress all the evidence found in the warranted search of the hotel room. (ECF No. 240.) Though this filing was untimely, the court entertained it along with the June 17 motion without any objections from the government, and denied them both on August 10, 2022. (ECF No. 272.)

more importantly, (2) being untimely filed without any good cause. (ECF No. 298.) The court finds the government's arguments likely to be successful.

Accordingly, IT IS ORDERED that Defendant SHOW CAUSE, in writing, on or before **October 3, 2022**, why the government's September 26, 2022 motion to strike (ECF No. 296) should not be granted and his September 23, 2022 motion to suppress (ECF No. 296) should not be stricken as being untimely.

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 28, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 28, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522

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